

## **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks.

### **Allowable Subject Matter**

The Office stated that Claims 3, 19 and 33 would be allowable if rewritten in independent form. Applicant has amended independent Claims 1, 14 and 27 to incorporate the limitations of dependent Claims 3, 14 and 33. Accordingly, Claims 1, 14, and 27 are believed to be in condition for allowance.

Claims 4-9 and 39-40 depend from independent Claim 1 and are allowable at least due to their dependency from Claim 1.

Claims 15-17, and 20-26 depended from independent Claim 14 and are allowable at least due to their dependency from Claim 14.

Claims 28-31 and 34-36 depended from independent Claim 27 and are allowable at least due to their dependency from Claim 27.

### **Rejections under 35 U.S.C. § 103**

The Office rejected: 1) Claims 1, 4-8, 10-11, 14-16, 20-23, 27-30, and 33-38 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,986,033 to Miyamoto et al. (hereinafter "Miyamoto") in view of U.S. Patent Application No. 2002/0198972 to Babbitt et al. (hereinafter "Babbitt"); 2) Claims 9, 13, and 26 under 35 U.S.C. §103(a) as being unpatentable over Miyamoto in view of Babbitt and further in view of U.S. Patent No. 6,687,902 to Curtis et al. (hereinafter "Curtis"); 3) Claims 12, 24 and 25 under 35 U.S.C. §103(a) as being

unpatentable over Miyamoto in view of Babbitt and further in view of U.S. Patent No. 6,236,983 to Hofmann et al. (hereinafter "Hofmann"); 4) Claims 17 and 31 under 35 U.S.C. §103(a) as being unpatentable over Miyamoto in view of Babbitt and further in view of U.S. Patent No. 6,763,456 to Agnihotri et al. (hereinafter "Agnihotri") and 5) Claims 39 and 40 under 35 U.S.C. §103(a) as being unpatentable over Miyamoto in view of Babbitt and further in view of U.S. Patent Application No. 2002/0161868 to Paul et al. (hereinafter "Paul").

**1) Claims 1, 4-8, 10-11, 14-16, 20-23, 27-30, and 33-38**

As previously noted, the Applicant has amended independent Claims 1, 14, and 27 by incorporating the limitations of Claims 3, 19 and 33. Claims 4-8, 15-16, 20-23, 28-30, and 33-36 depend from independent Claims 1, 14, and 27 are allowable at least due to their dependency from Claims 1, 14, and 27. .

**Claims 10, 11, 37 and 38**

*Claims 10 and 37 as amended recite:*

10. A method of deploying an operating system on a plurality of computing devices, the method comprising:

performing a first portion of an installation process on each of the plurality of computing devices asynchronously across the plurality of computing devices, wherein performing the first portion comprises downloading one or more programs to each of the plurality of computing devices to be executed on the plurality of computing devices to configure the plurality of computing devices; and

performing a second portion of the installation process on each of the plurality of computing devices concurrently, wherein the portion that is transferred to the plurality of computing devices

concurrently is larger than the portion transferred to the plurality of computing devices asynchronously. (Emphasis added)

37. A system for deploying an operating system on a plurality of computing devices, the system comprising:

means for performing a first portion of an installation process on each of the plurality of computing devices asynchronously across the plurality of computing devices, wherein the means for performing the first portion comprises means for downloading one or more programs to each of the plurality of computing devices to be executed on the plurality of computing devices to configure the plurality of computing devices; and

means for performing a second portion of the installation process on each of the plurality of computing devices concurrently, wherein the second portion of the installation process is larger than the first portion of the installation process. (Emphasis added)

#### Miyamoto (US 6,986,033)

Miyamoto discloses a server which directs a target computer to boot up from a disk image stored in the computer's memory instead of the boot-up information stored on the computer's floppy disk drive. Miyamoto copies the computers operating system from the floppy disk drive to the computers random access memory (RAM). Miyamoto then modifies the computer operating system to make the disk image in RAM appear to be the same as the floppy drive. (Column 1, lines 59-67, Column 2, lines 1-24)

#### Babbitt (US 2002/0198972)

Babbitt discloses a pre-boot multicast address protocol for a computer network. The protocol includes a conflict clearing process to eliminate address duplication and ensure that the same multicast address is not given to client

computers requiring different boot information. The protocol allows multiple boot negotiation processes on the same intranet. (Paragraphs 0015 and 0017)

Applicant submits that Miyamoto and Babitt fail to disclose all the elements of Claims 10 and 37. Specifically, neither Miyamoto nor Babitt disclose “wherein the portion that is transferred to the plurality of computing devices concurrently is larger than the portion transferred to the plurality of computing devices asynchronously”, as recited in Claim 10, or “wherein the second portion of the installation process is larger than the first portion of the installation process”, as recited in Claim 37. (Emphasis added) Accordingly, Applicant respectfully submits that Claims 10 and 37 are allowable over Miyamoto and Babitt.

Claims 11 and 38 depend from independent Claims 10 and 37 are allowable at least due to their dependency from Claims 10 and 37.

## **2) Claims 9, 13 and 26 under 35 U.S.C. §103(a)**

Claims 9 and 26 depend from independent Claims 1 and 14, respectively, and are allowable at least due to their dependency from Claims 1 and 14.

### **Claim 13**

#### **Curtis (US 6,687,902)**

Curtis discloses a computer program for uninstalling other computer programs and deleting computer files. The computer program is defined by a plurality of file sets which define the functions performed by the deleted computer programs. A flag is provided with each file set which indicates a first and a

second value. The computer program determines which file sets have a particular first value and displays those file sets with an option to remove the file set. The program deletes the file set and the associated files when it receives a command from the user. (Column 2, lines 49-57)

As previously noted, neither Miyamoto nor Babbitt disclose “wherein the portion that is transferred to the plurality of computing devices concurrently is larger than the portion transferred to the plurality of computing devices asynchronously”, as recited in Claim 10. (Emphasis added) Curtis fails to remedy the deficiencies of Miyamoto and Babbitt with respect to Claim 10. Claim 13 depends from independent Claim 10 and is allowable at least due to its dependency from Claim 10.

Accordingly, Applicant respectfully submits that Claims 9, 13 and 26 are allowable over Miyamoto, Babbitt and Curtis, whether taken alone or in combination (assuming for the sake of argument that the documents could even be combined in the manner set forth in the Office Action).

### **3) Claims 12, 24 and 25 under 35 U.S.C. §103(a)**

#### **Claim 12**

Hofmann (US 6,236,983)

Hofmann discloses a system for collecting information about a computing device or the user of the computing device. The system uses a discovery agent to collect information about the computing device and a discovery engine to receive the information. The discovery engine applies a discovery rule to the information

collected by the discovery agent to determine what action to take based on the collected data. (Column 1, lines 55-67)

As previously noted, neither Miyamoto nor Babbitt disclose *“wherein the portion that is transferred to the plurality of computing devices concurrently is larger than the portion transferred to the plurality of computing devices asynchronously”*, as recited in Claim 10. (Emphasis added) Hofmann fails to remedy the deficiencies of Miyamoto and Babbitt with respect to Claim 10. Claim 12 depends from independent Claim 10 and is allowable at least due to its dependency from Claim 10.

#### **Claims 24 and 25**

Claims 24 and 25 depend from independent Claim 14 and are allowable at least due to their dependency from Claim 14.

Accordingly, Applicant respectfully submits that Claims 12, 24 and 25 are allowable over Miyamoto, Babbitt and Hofmann, whether taken alone or in combination (assuming for the sake of argument that the documents could even be combined in the manner set forth in the Office Action).

#### **4) Claims 17 and 31 under 35 U.S.C. §103(a)**

Claims 17 and 31 depended from independent Claims 14 and 27 and are allowable at least due to their dependency from Claims 14 and 27.

#### **5) Claims 39 and 40 under 35 U.S.C. §103(a)**

Claims 39 and 40 depend from independent Claim 1 and are allowable at least due to their dependency from Claim 1.

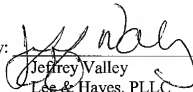
**CONCLUSION**

Applicant respectfully submits that Claims 1, 4-17, 20-31, and 34-40 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter remain unresolved, the undersigned respectfully requests a telephone conference with the Examiner to resolve any outstanding matter.

Respectfully Submitted,

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